

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

MATTHEW JAMES DIETERLE
AS TRUSTEE OF
THE JOHN L. DIETERLE TRUST NO, 1
Plaintiff,

v.

CINCINNATI INSURANCE COMPANY
Defendant.

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CIVIL ACTION NO. 5:22-cv-00835-XR

JOINT ALTERNATIVE DISPUTE RESOLUTION REPORT

Pursuant to the Court’s Scheduling Order¹ and Local Rule CV-88, Plaintiff Matthew James Dieterle as Trustee of the John L. Dieterle Trust No, 1 (“Plaintiff”) and Defendant Cincinnati Insurance Company (“Defendant”) (collectively, the “Parties”), file this Joint Alternative Dispute Resolution Report, respectfully showing the Court as follows:

INFORMATION REQUIRED BY RULE CV-88(b)

1. **Mediation.** The parties mediated this case in good faith on March 9, 2023 with mediator, Donald Philbin. The parties were unable to reach a settlement.
2. **Status of Settlement Negotiations.** Settlement negotiations occurred during the March 9, 2023 mediation. The Parties agree to continue to consider settlement proposals as discovery continues in this case.
3. **Identity of the person responsible for settlement negotiations.** Plaintiff’s counsels, Robert W. Loree and Stephen M. Fields, and Defendant’s counsels, Patrick M. Kemp and Robert G. Wall, are responsible for settlement negotiations.

¹ Doc. No. 13.

4. **Whether alternative dispute resolution is appropriate in this case.** The Parties agree ADR was appropriate for this case and attended mediation on March 9, 2023, which was unsuccessful.

5. **Timing for alternative dispute resolution.** The parties completed mediation on March 9, 2023.

6. **Name of alternative dispute resolution provider.** The parties meditated with Donald Philbin. Mr. Philbin's fee was split equally by the parties.

Respectfully submitted,

/s/ Stephen M. Fields (w/ permission PMK)

Robert W. Loree
Texas Bar No. 12579200
rob@lhllawfirm.com
Stephen M. Fields
Texas Bar No. 24096598
stephen@lhllawfirm.com
Loree & Lipscomb
777 E. Sonterra Blvd, Suite 320
San Antonio, Texas 78256
(210) 404-1320
(210) 404-1310 – Facsimile

ATTORNEYS FOR PLAINTIFF

/s/ Patrick M. Kemp

Patrick M. Kemp
Texas Bar No. 24043751
pkemp@smsm.com
Robert G. Wall
Texas Bar No. 24072411
rwall@smsm.com
Segal McCambridge Singer & Mahoney
100 Congress Avenue, Suite 800
Austin, Texas 78701
(512) 476-7834
(512) 476-7832 – Facsimile

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing instrument has been served as via CM/ECF on this the 13th day of March, 2023 to:

Robert W. Loree
Stephen M. Fields
Loree & Lipscomb
777 E. Sonterra Blvd., Ste. 320
San Antonio, Texas 78258
rob@lhllawfirm.com
stephen@lhllawfirm.com

/s/ Patrick M. Kemp

Patrick M. Kemp